REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 20, 2004. At the time of the Office Action, Claims 1-25 were pending in this Application. Claims 1-25 were rejected. Claims 1-4, 10, 12-16, 19, 23 and 24 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Claim Objections

Claims 10 and 24 were objected to by the Examiner due to informalities. Applicants have amended Claims 10 and 24 to overcome these objections.

Rejections under 35 U.S.C. §103

Claims 1-9, 11, 14-16, 18-23, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0198608 filed by Bruce Allen Smith ("Smith") in view of U.S. Patent 5,915,122 issued to Hiroshi Tsurumi ("Tsurumi") and U.S. Patent Publication 2002/0194412 filed by David A. Bottom ("Bottom"). Applicants respectfully traverse and submit that the above claims are not rendered obvious by the cited art.

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). In the present case, the combination of Smith, Tsurumi, and Bottom fail to disclose all claim limitations of Independent Claims 1, 14, and 23.

More specifically, Examiner cites to Smith as teaching an address module according to Claims 1 "operable to obtain the unique address from the midplane for each server module." Office Action, page 3. However, the address module of Claim 1 also recites that the address module is operable "to calculate a start-up time for each server module based on the unique address for each server module." Examiner has failed to address the start-up time limitation of Claim 1. Applicants note that neither Smith, Tsurumi or Bottom teaches an

address module that calculates start-up times for associated servers as recited in Independent Claim 1.

Additionally, Claim 1 recites, "at least one power supply associated with the midplane, the power supply operable to sequence power to the server modules based on the start-up times for each of the server modules." Examiner has stated that Smith and Bottom do not disclose the sequencing of power to server modules. Examiner has cited to Tsurumi as teaching an address module for sequencing power to server modules based on the start-up times for the server modules.

Applicants respectfully traverse Examiner's reading of Tsurumi. Examiner cites to the following portion of Tsurumi as teaching a "module operable to calculate a start-up time for each module..." and "sequence power to the server modules based on the start-up times for the server modules":

> FIG. 44 is a flow chart of the start of the battery test of the present invention and shows in particular a flow chart for setting a timer value. When there is competition in the battery tests when the power is on, an address is given to each of the power controllers 0 and 1, the addresses are read into firmware, and the timer is initialized so that the times for the start of the battery tests are made differenct for the power controllers 0 and 1, thereby preventing competition.
>
> In FIG. 44, if the start of a battery test is instructed (S1), it is judged if the power is on or not (S2). Further, it is judged if the address is for the power controller 0 or 1 (S3). If for the power controller 0, the timer is set to M seconds (S4). If the power controller 1, the timer is set to N seconds (S5). Next, for each of the M seconds of the power controller 0 system and the N seconds of the power controller 1 system, it is judged if the timer has exceeded the set time (S6). if [sic] it has not exceeded it, the battery test is performed (S7) and the predetermined test ended (S8). Here, M<<N.
>
> As explained above, according tot the power cut-off control according tot he present invention, by enabling cross control of the battery, it is possible to reuce the number of batteries installed per system and to reduce the size of the system construction and, further, possible to make use of common designs for the power unit. Also, it is possible to avoid simultaneous operation of the battery tests, so the battery life is improved and the common components appear the same from all sytems, so it is possible to obtain a correct grasp of the state of the system batterires and to remarkably improve the reliability at the time of back-up.

Col. 38, line 56-Col. 39, line 17.

Applicants submit that, as described above and as shown in Figure 44, Tsurumi teaches a sequenced battery test using two batteries. This sequenced testing of batteries, however, does not disclose, teach or suggest the sequencing of the start-up of server modules as recited in Claim 1. Additionally, the timing associated with each battery test appears to be pre-set (as either N or M) and is based on and Tsurumi does not appear to contemplate the step of *calculating a start-up time* for each server module that is based on the unique address for each server module, as the operation in question does not appear to be a "start-up" type of operation of the power controller modules taught by Tsurumi.

Examiner has also cited to the combination of Smith, Bottom and Tsurumi as anticipating independent Claims 14 and 23. For the reasons discussed above, the combination of Smith, Bottom, and Tsurumi fail to disclose, teach, or suggest the steps of "calculating a start-up time for each server module based on the unique addresses of the server modules" and "automatically sequencing power to the server modules based on the start-up times for the server modules" of independent Claim 14. Similarly, these references also fail to disclose, teach or suggest the address modules operable to "calculate a start-up time for each server module based on the unique address for each server module" and "power supplies associated with the midplanes, the power supplies operable to provide power to the server modules in a sequence determined by the start-up times for the server modules" of independent Claim 23.

Accordingly, Applicant submits that the combination of Smith, Bottom and Tsurumi fails to render obvious independent Claims 1, 14 and 23 and Claims 2-9, 11, 15, 16, 18-22 and 25 which depend therefrom. Applicants request reconsideration, withdrawal of the §103 rejection and allowance of Claims 1-9, 11, 14-16, 18-23 and 25.

Claims 10, 17 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Bottom and Tsurumi as applied to Claims 1 and 14 above, and in further view of U.S. Patent 6,735,704 issued to David Butka et al. ("Butka et al."). Claims 12-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, Bottom, and Tsurumi as

applied to Claim 1 above, and in further view of U.S. Patent 6,766,222 issued to Raymond S. Duley ("Duley").

Applicants respectfully traverse and submit that for the reasons detailed above, Claims 10, 12-13, 17 and 24 depend from Claims that have now been placed in condition for allowance. Applicants request reconsideration, withdrawal of the §103(a) rejection and full allowance of Claims 10, 17, and 24.

Change of Correspondence Address

Applicants respectfully request that all telephone calls should be directed to Brian E. Szymczak at 512.322.2548.
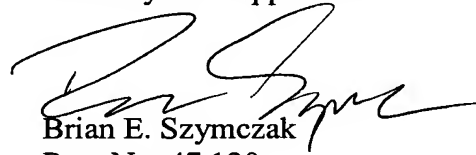
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-25 as amended.

Applicants believe there are no additional fees due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants

Brian E. Szymczak
Reg. No. 47,120

SEND CORRESPONDENCE TO:
BAKER BOTTS L.L.P.
CUSTOMER ACCOUNT NO. **23640**
512.322.2548
512.322.8340 (fax)

Date: 12/17/04

AUS01:361276.1